

By Perrin

H. B. No. 806

A BILL TO BE ENTITLED

AN ACT

relating to creation of the County Court at Law of Hays County and conforming the jurisdiction and procedures of the County Court of Hays County; and declaring an emergency.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

Section 1. There is created a court in Hays County to be called the County Court at Law of Hays County.

Sec. 2. (a) The county court at law has the same jurisdiction over all causes and proceedings, civil, criminal, original, and appellate, prescribed by the law for county courts, and its jurisdiction is concurrent with that of the County Court of Hays County. However, the county court at law does not have jurisdiction over eminent domain proceedings or over causes and proceedings concerning roads, bridges, and public highways which are now within the jurisdiction of the commissioners court or County Court of Hays County.

(b) The county court at law has the general jurisdiction of a probate court within the limits of Hays County, and its jurisdiction is concurrent with that of the County Court of Hays County in probate matters and in proceedings.

(c) The county court at law, or its judge, has the power to issue writs of injunction, mandamus, sequestration, attachment, garnishment, certiorari, supersedeas, and all writs necessary for the enforcement of the jurisdiction of the court; and to issue

1 writs of habeas corpus in cases where the offense charged is  
2 within the jurisdiction of the court, or of any other court in  
3 the county of inferior jurisdiction. The court and judge also  
4 have the power to punish for contempt as prescribed by law for  
5 county courts. The judge of the county court at law has all other  
6 powers, duties, and immunities and privileges provided by law for  
7 county court judges, and he is a magistrate and conservator of  
8 the peace.

9 (d) The County Judge of Hays County is a judge of the  
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11 judge shall be exercised by the Judge of the County Court of Hays  
12 County except insofar as the same are, by this Act, committed to  
13 the Judge of the County Court at Law of Hays County.

14 Sec. 3. The terms of the County Court at Law of Hays County  
15 are the same as those for the County Court of Hays County, Texas.

16 Sec. 4. (a) At the next general election after the  
17 effective date of this Act, there shall be elected a judge of the  
18 County Court at Law of Hays County who must have been a duly  
19 licensed and practicing member of the State Bar of Texas for not  
20 less than five years, who must be well informed in the laws of  
21 this state, and who must have resided and been actively engaged  
22 in the practice of law in Hays County, Texas, for a period of not  
23 less than one year prior to the general election. The judge  
24 elected holds office for four years and until his successor has  
25 been duly elected and has qualified.

26 (b) When this Act becomes effective, the Commissioners  
27 Court of Hays County, Texas, shall appoint a judge to the County

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17 paid into the county treasury, and which may not be paid to the  
18 judge.

19 (e) A special judge of the county court at law may be  
20 appointed or elected as provided by law for county courts. A  
21 special judge is entitled to the same rate of compensation as the  
22 regular judge.

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9 Hays County.

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11 official court reporter who serves at the pleasure of the judge  
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13 court. The official court reporter must have the qualifications  
14 prescribed by law for district court reporters.

15           (c) The seal of the court shall contain the words "County  
16 Court at Law of Hays County," but in other respects is identical  
17 with the seal of the County Court of Hays County.

18           Sec. 6. (a) Practice in the County Court at Law of Hays  
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26 the court to which it is transferred; and no case may be  
27 transferred to the County Court at Law of Hays County unless it

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6 be suspended, and this rule is hereby suspended, and that this  
7 Act take effect and be in force from and after its passage, and  
8 it is so enacted.

FORM A  
COMMITTEE REPORT

Date May 8

HONORABLE PRICE DANIEL, JR.  
Speaker of the House of Representatives.

Sir:

We, your Committee on Judiciary, to whom was  
referred HB No. 806, have had the same under consideration  
and beg to report back with recommendation that it ~~(do not)~~ <sup>do</sup> pass.

The Committee recommends that this measure be considered for the ~~Local~~ <sup>Local</sup> Calendar. ~~Record Vote~~ <sup>No</sup> ~~(Yes)~~ <sup>(Yes)</sup>  
House sponsor of Senate measure: \_\_\_\_\_

The measure was reported from Committee by the following record vote:

<u>16</u>	ayes
<u>10</u>	nays
<u>2</u>	present, not voting
<u>0</u>	absent

P. Daniel  
Chairman

~~This measure proposes new law.~~

*This measure proposes new law*

BILL ANALYSIS

1. BACKGROUND

Due to the rapid population growth in many of our counties there has been a corresponding increase in the amount of litigation in the various county courts. In order to cope with the needs of our expanding populations there exists a great need for the creation of various new courts.

2. PURPOSE

To create the County Court at Law of Hays County.

3. SECTION BY SECTION

Section 1. Creation of the court.

Section 2. Provides for jurisdiction.

Section 3. Provides for terms.

Section 4. Provides for the judge of the court.

Section 5. Provides for the officials and employees of the Court.

Section 6. Provides for the practice in the court and for transfer of cases and exchange of benches.

Section 7. Provides for juries for the court.

Section 8. Emergency clause.



SUMMARY OF COMMITTEE ACTION:

The Judiciary Committee referred H.B. No. 806 to a sub-committee which held a public hearing on May 2, 1973 after posting notice in accordance with Rule VIII, Section 13 and reported back to the full Committee. The Committee voted on May 8, 1973 by a record vote of 16 ayes and 1 nays, to report the measure back to the House <sup>favorably</sup> ~~unfavorably~~ with the recommendation that it <sup>do</sup> ~~do not~~ pass, ~~as amended~~.

~~This Bill proposes new law.~~



Recommended for Consent Calendar.

①

H. B. 806

Deen

Amend H. B. 806,  
Striking the word "five" by  
20, Page 2 and substituting the word  
"three"

Preston

DATE

MAY 12 1973

READ AND ADOPTED

*Dorothy Holloman*  
Chief Clerk  
House of Representatives

By: Poerner

H.B. No. 806

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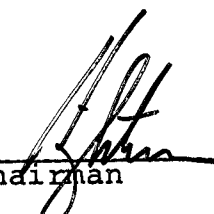
Austin, Texas

May 15, , 19 73

Honorable William P. Hobby  
President of the Senate

Sir:

We, your Committee on Administration,  
to which was referred H, B. No. 806, have had the same  
under consideration, and I am instructed to report it back to  
the Senate with the recommendation that it do \_\_\_\_\_  
pass \_\_\_\_\_ and be \_\_\_\_\_ printed.

  
Chairman

CAS

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**ENROLLED**

H.B. No. 806

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---

President of the Senate

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Speaker of the House

I hereby certify that H.B. No. 806 was passed by the House  
on May 12, 1973, by the following vote: Yeas 127, Nays 0 and 3  
present not voting.

---

Chief Clerk of the House

H.B. No. 806

I hereby certify that H.B. No. 806 was passed by the Senate  
on May 17, 1973, by the following vote: Yeas 31, Nays 0.

---

Secretary of the Senate

APPROVED:

June 11, 1973  
Date

Signed  
Governor

10:00 AM

JUN 12 1973

Secretary of State



By: Poerner

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- 3- 1-73 Filed.
- 3- 5-73 Read first time and referred to Committee on Judiciary.
- 5- 8-73 Reported favorably, sent to printer.
- 5- 9-73 Printed, distributed and referred to Committee on  
Calendars at 11:00 a.m.
- 5-12-73 Read second time, amended and ordered engrossed by  
a non-record vote.
- 5-12-73 Read third time and passed by the following vote:  
Yeas 127, Nays 0 and 3 present not voting.

Dorothy Hallman  
Chief Clerk, H. of R.

5-12-73 Sent to Engrossing Clerk.

5-12-73 Engrossed.

Engrossing Clerk, H. of R.

MAY 14 1973 RETURNED FROM ENGROSSING CLERK

MAY 14 1973 Received from the House

MAY 14 1973 Read, referred to Committee on ADMINISTRATION

MAY 15 1973 Reported favorably. \_\_\_\_\_

\_\_\_\_\_ Reported adversely, with favorable Committee Substitute; Committee Substitute read first time.

\_\_\_\_\_ Ordered not printed. \_\_\_\_\_

\_\_\_\_\_ Regular order of business suspended by

(unanimous consent.

(\_\_\_\_\_ yeas, \_\_\_\_\_ nays.

\_\_\_\_\_ To permit consideration, reading and passage, Senate and Constitutional Rules suspended by vote of \_\_\_\_\_ yeas, \_\_\_\_\_ nays.

MAY 17 1973 Read second time MAY 17 1973 passed to third reading.

\_\_\_\_\_ Caption ordered amended to conform to body of bill.

MAY 17 1973 Senate and Constitutional 3-Day Rules suspended by vote of  
31 yeas, 0 nays to place bill on third reading and final passage.

MAY 17 1973 Read third time and passed by (a ~~viva voce~~ vote.  
31 yeas, 0 nays.

OTHER ACTION:

*Charles Schnabel*

Secretary of the Senate

RETURNED FROM SENATE  
MAY 17 1973

MAY 17 1973 Returned to HOUSE

*Frederick Hallman*  
Chief Clerk, House of Representatives

MAY 17 1973 SENT TO ENROLLING CLERK

H.B. No. C 406

By Paerner

A BILL TO BE ENTITLED

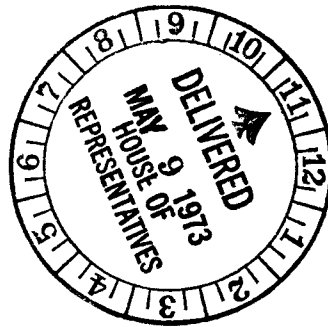
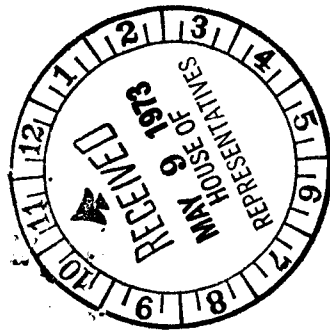
AN ACT

relating to creation of the County Court at Law of Hays County  
and conforming the jurisdiction and procedures of the County Court  
of Hays County; and declaring an emergency.

FILED MAR 1 1973  
READ 1ST TIME  
AND REFERRED TO COMMITTEE ON  
Judiciary MAR 5 1973  
Dorothy Hallman  
Chief Clerk, House of Representatives

MAY 8 1973

REPORTED FAVORABLY SENT TO PRINTER



PRINTED, DISTRIBUTED AND

DELIVERED TO COMMITTEE ON

CLERKING 11:00 A.M. MAY 9 1973  
(Time) (Date)

MAY 12 1973 READ SECOND  
TIME Amended AND  
ORDERED now record vote ENGROSSED by

Dorothy Hallman  
Chief Clerk, House of Representatives

MAY 12 1973 Read third time  
and Passed  
by following vote yeas 127

NAYS 0 - 3 present  
Dorothy Hallman  
Chief Clerk  
HOUSE OF REPRESENTATIVES

MAY 12 1973 SENT TO ENGROSSING CLERK